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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/20/2003

William C. Dodge

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05/01/2006

EXAMINER

HUTTON JR, WILLIAM D

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CHICAGO, IL 60603-3406

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/690,392	Applicant(s) DODGE, WILLIAM C.	
	Examiner Doug Hutton	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,12 and 15-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,3,12 and 15-17 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's Response

In Applicant's Response dated 03/20/2006, Applicant amended the Specification, amended Claims 1 and 12, added new Claim 18, cancelled Claims 2, 13 and 14, and argued against all objections and rejections previously set forth in the Office Action dated 01/18/2006.

In Applicant's Response dated 03/20/2006, Applicant submitted a Request for Continued Examination, amended Claims 1 and 12, added new Claim 18, cancelled Claim 18, and argued against all rejections previously set forth in the Office Action dated 01/18/2006.

In light of the amendments, the objections to the Specification and the Drawings are withdrawn. In light of the cancellation of Claims 1, 13, 14 and 18, the rejections for those claims are withdrawn.

Claim Objections

Claim 12 is objected to because of the following informalities:

- The term "is" should be inserted between the terms "*that*" and "*part*" in Lines 10, 11 and 12 (3 occurrences) so that the limitation is grammatically correct.
- The phrase "*wherein a shape of the task*" in Line 11 should be amended to — wherein a shape of the tasks — because a "plurality of tasks" is previously identified in the claim (see Line 4).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 12 and 15-17 remain rejected under 35 U.S.C. 102(b) as being anticipated by Marmel, Elaine, Microsoft Project 2000 Bible (IDG Books Worldwide, Inc., © 2000).

Claim 1:

Marmel discloses *a computerized method of creating a program management chart* (see Chapter 17 – “**Coordinating Multiple Projects**” on pages 457-480 → Marmel discloses this limitation, as clearly indicated in the cited pages), *comprising the steps of:*

- *displaying a plurality of tasks within a selected set of data as a first part of the program management chart* (**EXAMINER'S INTERPRETATION** – In terms of the present invention, the examiner is interpreting this limitation to be elements 802 and 804 displayed in Figure 8 of the drawings. These specific elements are discussed in the Specification from Page 12, Line 27 through Page 13, Line 2. This **type** of element is discussed in the Specification on Page 11, Lines 15-17.

In Marmel, see Chapter 17 – “Coordinating Multiple Projects” on pages 457-480 → Marmel discloses this limitation in that MS Project allows a user to consolidate projects/subprojects by inserting multiple project/subproject files into one large consolidated project file, thus saving the various parts of the consolidated file into separate files. The organizational structure of the consolidated project file is saved, so that the hierarchy of the various parts can be displayed in conjunction with corresponding project views. MS Project displays views of user-selected subprojects within the larger projects. These views comprise tasks within those user-selected subprojects.);

- *displaying a task that is outside of the selected set of data but that is associated with at least one of the plurality of tasks within the selected set of data as a second part of the program management chart (EXAMINER’S*

INTERPRETATION – The examiner is interpreting this limitation to be elements 806 and 809 displayed in Figure 8 of the drawings. These specific elements are discussed in the Specification from Page 12, Line 27 through Page 13, Line 2. This **type** of element is discussed in the Specification from Page 11, Line 18 through Page 12, Line 4. In Marmel, see Chapter 17 – “Coordinating Multiple Projects” on pages 457-480 → Marmel discloses this limitation in that MS Project allows the user to link tasks that are in different subprojects of the larger projects. Within a larger project, often there are tasks in one part of the project that are dependent upon tasks in another part of the project (e.g., “external” tasks). MS

Project displays views of user-selected subprojects within a larger project. These views comprise external tasks within those user-selected subprojects.); and

- *differentiating within the program management chart between the plurality of tasks within the selected set of data and the task that is outside of the selected data* (In Marmel, see Chapter 6 – “Understanding the Basics of Views” on pages 133-135 and 145-147; see Chapter 8 – “Modifying the Appearance of Your Project” on pages 215 and 234-239 → Marmel discloses this limitation in that MS Project allows the user to set and modify the formats of the nodes in network diagrams. That is, the user can format the size, shape, color and line style of the boxes comprising the nodes. Additionally, the user can set and modify the formats of particular categories of node boxes. Such categories include internal and external tasks.),

wherein a shape of the task that is outside of the selected set of data is used to differentiate the task that is outside of the selected set of data from the plurality of tasks within the selected set of data (as indicated in the above discussion, Marmel discloses this limitation).

Claim 3:

Marmel discloses *the method of Claim 1, wherein the task that is outside of the selected set of data is outside of a project that contains the selected set of data* (as indicated in the above rejection for Claim 1, Marmel discloses this limitation).

Claim 12:

Marmel discloses *a computerized method of creating a program management chart* (as indicated in the above rejection for Claim 1, Marmel discloses this limitation), *comprising the steps of:*

- *accessing a subset of data within a project* (**EXAMINER'S INTERPRETATION** –

The examiner is interpreting this limitation to correspond to the first element recited in Claim 1 in that, in order to display tasks on a computer, the data for those tasks are accessed. Thus, the discussion of the examiner's interpretation of the first element recited in Claim 1 also applies here. In **Marmel** → as indicated in the above rejection for Claim 1, Marmel discloses this limitation);

- *displaying in the program management chart a plurality of tasks that are part of the project and associated with the subset of data* (**EXAMINER'S**

INTERPRETATION – The examiner is interpreting this limitation to correspond to the first element recited in Claim 1. Thus, the discussion of the examiner's interpretation of that element also applies here. In **Marmel** → as indicated in the above rejection for Claim 1, Marmel discloses this limitation.); and

- *displaying a task that is part of the project and is outside of the subset of data in the program management chart at the same time as the plurality of tasks that are part of the project and associated with the subset of data* (**EXAMINER'S**

INTERPRETATION – The examiner is interpreting this limitation to correspond to the second element recited in Claim 1. Thus, the discussion of the examiner's

interpretation of that element also applies here. In Marmel → as indicated in the above rejection for Claim 1, Marmel discloses this limitation); and

- *differentiating between the plurality of tasks that are part of the project and associated with the subset of data and the task that is part of the project and is outside of the subset of data* (as indicated in the above rejection for Claim 1, Marmel discloses this limitation),

wherein a shape of the task that is part of the project and is outside of the selected set of data is used to differentiate the task that is part of the project and is outside of the selected set of data from the plurality of tasks that are part of the project and associated with the subset of data (as indicated in the above discussion, Marmel discloses this limitation).

Claim 15:

Marmel discloses *the method of Claim 12, further comprising the step of accessing a header relating to the task that is outside of the subset of data*

(EXAMINER'S INTERPRETATION – The examiner is interpreting this limitation to mean accessing any data that **allows a representation of an external task to be displayed** in a project view for the user-selected data **without having all of the data in the external task open**. This interpretation corresponds to the discussion of “header data” described in the Specification from Page 10, Line 31 through Page 11, Line 7. In Marmel, see Pages 457-480 – Marmel discloses this limitation in that MS Project displays external tasks in the views for the selected hierarchical portions of the

consolidated project file. At this point, ***all*** of the data in the external tasks are **not** open. The user can access all of the data in the external tasks by double clicking on the external tasks in the views.).

Claims 16 and 17:

Marmel discloses the methods of Claims 1 and 12, further comprising accessing header data associated with at least one of the plurality of tasks within the selected set of data in order to display the task that is outside of the selected subset of data

(EXAMINER'S INTERPRETATION) – The examiner is interpreting this limitation to mean accessing any data that **allows a representation of an external task to be displayed** in a project view for the selected data **without having all of the data in the external task open**. This interpretation corresponds to the discussion of “header data” described in the Specification from Page 10, Line 31 through Page 11, Line 7. In **Marmel**, see Pages 457-480 – Marmel discloses this limitation in that MS Project displays external tasks in the views for the selected hierarchical portions of the consolidated project file. At this point, ***all*** of the data in the external tasks are **not** open. The user can access all of the data in the external tasks by double clicking on the external tasks in the views.).

Response to Arguments

Applicant's arguments filed 11/10/2005 have been fully considered but they are not persuasive.

Rejections Under 35 U.S.C. § 102:

Applicant argues that Marmel fails to disclose "*wherein a shape of the task that is outside of the selected set of data is used to differentiate the task that is outside of the selected set of data from the plurality of tasks within the selected set of data*" as recited in Claim 1 and similarly recited in Claim 12, because Marmel requires the user to take further action with a mouse or look to a menu structure and then attempt to locate the task within the program arrangement chart that is associated with a differently colored menu entry. See *Response* – Page 5, last paragraph through Page 6, first partial paragraph.

The examiner disagrees.

As indicated in the above rejections, Marmel discloses that MS Project allows a user to view a subproject of a larger project wherein the view of the subproject comprises **external** tasks. MS Project also allows the user to set and modify the formats of nodes in network diagrams, wherein the nodes represent internal and external tasks. The user can set and modify the formats of particular categories of node boxes displayed in the network diagrams, and such categories include internal and external tasks. Thus, the nodes representing internal and external tasks may be displayed as having different shapes.

Accordingly, Marmel discloses every limitation of Claims 1 and 12.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2176

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is 571-272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH
April 27, 2006



**DOUG HUTTON
PRIMARY EXAMINER
TECH CENTER 2100**